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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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CITY OF WESTLAND POLICE AND FIRE
RETIREMENT SYSTEM, et al.

No. C 07-05111 JSW

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Plaintiffs,

**ORDER PERMITTING FILING
OF CORRECTED COMPLAINT
AND PERMITTING
DEFENDANTS TO FILE
SUPERSEDING MOTION TO
DISMISS**

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v.
SONIC SOLUTIONS, et al.

Defendants.

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On May 28, 2008, this Court issued an Order directing Plaintiffs' to address the manner in which their consolidated complaint had been "corrected." The Court has received Plaintiff's response thereto, in which Plaintiffs acknowledge that added a substantive claim to the Consolidated Complaint. Plaintiffs assert that this claim was inadvertently omitted from the Consolidated Complaint due to a clerical error. Defendants, as set forth in correspondence submitted with Plaintiffs' response, note that the addition of a claim is an amendment but have stated, in light of the Court's May 28 Order that they will defer to this Court's ruling.

Although Plaintiffs had included the omitted claim in their initial complaint, the proper course of action would have been to file a motion to amend the Consolidated Complaint. Because Plaintiffs have stated that the omission was inadvertent, in light of the liberal standards set forth in Rule 15, because it does not appear that Defendants will be prejudiced by the amendment given the early stages of this litigation, and because Defendants have stated that they will defer to the Court's decision, the Court shall allow the filing of the Corrected

1 Consolidated Class Action Complaint.

2 It is FURTHER ORDERED that Defendants may submit a revised, superseding, motion
3 to dismiss by no later than June 27, 2008, which shall not exceed 35 pages. The motion to
4 dismiss filed on May 23, 2008 is deemed moot. The briefing schedule and hearing date
5 previously set by the Court remain in place.

6 **IT IS SO ORDERED.**

7 Dated: June 3, 2008

Jeffrey S. White
8 JEFFREY S. WHITE
9 UNITED STATES DISTRICT JUDGE

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